

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LILY KO,
Petitioner,
v.
REBECCA FLEMING,
Respondent.

Case No. [17-cv-05179-VC](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

Lily Ko, currently housed at Napa State Hospital, filed a pro se petition for a writ of habeas corpus on behalf of her 10-year old daughter. On October 24, 2017, the Court issued an order for Ko to obtain counsel, explaining that a parent or guardian cannot bring a lawsuit on behalf of a minor in federal court without retaining a lawyer. The Court granted Ko 28 days to retain an attorney to represent her in this action on behalf of her daughter, or the case would be dismissed without prejudice to re-filing when she obtains legal representation.

On November 13, 2017, Ko filed a document entitled, “Affidavit to Act as Counsel on Behalf for Daughter [sic],” in which she states she is acting as counsel for her daughter. However, as explained in the October 24th Order, Ko cannot act as counsel for her daughter; she must retain an attorney who is licensed to practice law in the state of California.

Therefore, this case is dismissed without prejudice. This case may be re-filed when Ko retains an attorney to represent her on behalf of her son.

The Clerk of the Court shall enter a separate judgment and close the file.

IT IS SO ORDERED.

Dated: December 18, 2017



VINCE CHHABRIA
United States District Judge